REMARKS/ARGUMENTS

This response is submitted in response to the Office Action dated December 4, 2006. Reconsideration and allowance is requested.

Claims 1, 5-10, 23-25, 27 and 33 remain in this application.

Priority

In the Office Action, the Examiner stated that the Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP §201.15. In response, counsel for assignee is submitting the patent application documents filed with the Japanese Patent Office on May 5, 2000, which is the basis for priority of this patent application, and an English translation of the documents except for the drawings. Additionally, a declaration from the translator who translated the documents from Japanese to English is submitted.

Counsel for assignee believes that the necessary documents for the Examiner to consider the priority claim have been submitted. Therefore, counsel respectfully request that the Examiner review the priority date in light of the submitted documents.

Formal Matters

In the Office Action Summary, box 12 labeled "Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)" was not checked off. Counsel respectfully requests that the Examiner acknowledge the claim to priority and check off the appropriate boxes.

Claim Rejection under 35 USC 103

In the Office Action, the Examiner rejected claims 1, 5, 6, 8, 9, 27, and 33 under 35 USC 103(a), as being unpatentable over Dor et al (US 6,744,266 B2) in view of Stephan et al (US 6,338,001 B1), further in view of Nishimura et al (US 5,761,337) further in view of

Kumagai (US 5,394,481), further in view of Jarvis et al (US 6,297,644 B1). The Examiner also used Dor et al to reject claims 7, 10, and 23-25. Counsel for assignee respectfully traverses.

In the previous response to office action, counsel for assignee argued that Dor was not prior art and therefore these claims were not obvious under the references used by the Examiner in this rejection. The Examiner responded in this office action by arguing that the "date relied upon by Applicants is obtained form Japanese foreign Application JPO0-152663, the original documents of which has been filed in the application in the Japanese language. Therefore, the rejection of Applicant's claims over Dor, Stephen, Kumagai, Nishimura and Jarvis is maintained." In response, counsel has submitted a translation along with a declaration from the translator. Counsel respectfully requests that the Examiner reconsider his rejection in light of the documents submitted and the arguments made in the previous response to office action dated September 8, 2006.

In the response to office action dated September 8, 2006, counsel argued that since Dor et al was the main reference used to reject all of the claims and since Dor et al is not prior art, counsel for assignee does not believe that the prior art references teach all of the claimed limitations. Since Dor et al is not prior art, Stephan, Nishimura, Kumagai, and Jarvis are the only remaining references used in the rejections. However, in the previous office action, independent claims 1, 6, and 9 were already further amended to distinguish them from Stephan, Nishimura, Kumagai, and Jarvis. Since the claims were already amended to be further distinguishable from these same reference, counsel for assignee does not believe that these same remaining references can make up all the deficiencies left by removing Dor et al as a reference. Therefore, since Dor et al. is not prior art for this pending application, as explained above, the remaining references do not teach each and every element of the claims and counsel for assignee does not believe that the pending claims are obvious, under *In re Vaeck* and MPEP 2143.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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APPENDIX

1) Patent Application documents filed with the JP Patent Office

2) English Translation of the documents (excluding drawings)

3) Declaration from the translator